

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESale PRICE LITIGATION	MDL No. 1456
THIS DOCUMENT RELATES TO:  ALL ACTIONS	CIVIL ACTION: 01-CV-12257-PBS  Judge Patti B. Saris

**COURT'S EXHIBIT LIST  
TRACK 1 DEFENDANTS' EXHIBITS IN EVIDENCE**

In re Pharmaceutical Industry Average Wholesale Price Litigation					Case No. 01-CV-12257-PBS MDL 1456
Plf. No.	Def. No	Date Offered	Marked	Admitted	Description of Exhibits
899	X	12/18/06		X	Meeting agenda for Provider Financial Strategy Workgroup (PFSW), dated January 19, 2004
	990	11/7/06		X	BCBSMA Analysis of CMS Average Wholesale Price Reform – Reimbursement for Part B Drugs, dated February 7, 2004
	999	11/8/06		X	E-mail string and attachments containing e-mails between Mike Mulrey, Deb Devaux, John Killion, Jan Cook, and Holly Grinnell regarding BC65 Drug Change Impact
	1012	12/18/06		X	Document entitled "Second Quarter Update to the 1998 DME Fee Schedule," dated May 11, 1998
	1017	12/17/06		X	Document entitled "J-Code Tutorial"
	1020	11/8/06		X	Excerpt only: E-mails dated August 17-20, 1999 between various BCBSMA employees regarding "MACSO/Chemo drug reimbursement issue." (BCBS-AWP 00066 only)
	1024	12/18/06		X	Contract conditions for purchase of Tagamet between SmithKline Beecham and Blue Cross/Blue Shield of Massachusetts, Inc./Medical West Community Health Plan, Inc.
	1037	11/28/06		X	HCFA Action Transmittal No. 77-113 in Medicare and Medicaid Guide, ¶ 28, 714, Department of Health and Human Services, Health Care Financing Administration

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	1038	12/18/06		X	Programs to Control Prescription Drug Costs Under Medicaid and Medicare Could be Strengthened (HRD-81-36), Comptroller General
	1039	11/28/06		X	Changes to the Medicaid Prescription Drug Program Could Save Millions OIG, Office of Audit
	1042 A	11/28/06		X	The High Cost of Prescription Drugs, 135 Congressional Record S. 9058 – Vol. 135 No. 105 (Excerpt) [Limited to self administered]
	1044	12/18/06		X	Use of Average Wholesale Prices in Reimbursing Pharmacies Participating in Medicaid and the Medicare Prescription Drug Program, Office of Inspector General
	1046	11/16/06		X	Recombinant Erythropoietin: Payment Options for Medicare, Office of Technology Assessment
	1048	12/18/06		X	Medicare Program: Fee Schedule for Physicians' Services, Proposed Rules, 56 Fed. Reg. 25,792 (June 5, 1991)
	1049	12/18/06		X	Medicare Program: Fee Schedule for Physicians' Services, Final Rule, 56 Fed. Reg. 59,502 (Nov. 25, 1991)
	1053	11/20/06		X tab G	Physicians' Costs for Chemotherapy Drugs, OIG, Department of Health and Human Services
	1056	11/28/06		X	Prescriptions Drug Study – A Report to the

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					Minnesota Legislature on the Prescription Drug Market, Health Economics Program, Division of Health Care Delivery Systems, Minnesota Department of Health [Limited to self administered]
	1059	11/16/06		X	Memorandum re: Estimated Acquisition Cost Drug Survey from Director Office of Payment Policy to All Associate Regional Administrators for Medicare, Charles Booth, Director, Office Payment Policy Department of Health and Human Services
	1060	11/16/06		X	Memorandum re: (Drugs) Estimated Acquisition Cost Drug Survey to All Part B Carriers, Jill Merrill, Health Insurance Specialist, Medicare Operations Branch, Healthcare Financing Administration
	1062	11/28/06		X	Appropriateness of Medicare Prescription Drug Allowance, OIG, Department of Health and Human Services
	1064	11/27/06		X	A Comparison of Albuterol Sulfate Prices, OIG, Department of Health and Human Services
	1065	12/12/06		X	Suppliers' Acquisition Costs for Albuterol Sulfate, OIG, Department of Health and Human Services
	1069	12/18/06		X	President's Fiscal Year 1998 Budget Proposal for Medicare, Medicaid and Welfare, Hearings Before the Committee on Finance, United States Senate, 150 <sup>th</sup> Congress, First Session.
	1071	11/28/06		X	Balanced Budget Act of 1997, Report of the

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					Committee on the Budget, House of Representatives, H.R. Rep. No. 105-149
	1072	12/18/06		X	Medicaid Pharmacy – Actual Acquisition Cost of Generic Prescription Drug Products, OIG, Department of Health and Human Services
	1074	12/18/06		X	Remarks by the President In Radio Address to the Nation, Office of the Press Secretary (Westlaw)
	1075	11/16/06		X	Excessive Medicare Payments for Prescription Drugs, OIG, Department of Health and Human Services
	1076	12/18/06		X	Program Memorandum Intermediaries/Carriers re: Implementation of the New Payment Limit for Drugs and Biologicals, Department of Health and Human Services, Health Care Financing Administration
	1078A	12/12/06		X	“Are Medicare Allowances for Albuterol Sulfate Reasonable?,” OIG, Department of Health and Human Services
	1080	11/28/06		X	Report to Congress: The Average Wholesale Price for Drugs Covered Under Medicare, Donna E. Shalala, Secretary, Department of Health and Human Services
	1083	11/28/06		X	Letter from Donna Shalala, Secretary, Department of Health and Human Services, to Representative Tom Bliley, Chairman, Commerce Committee

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	1084A	12/12/06		X	Medicare Reimbursement of Albuterol, OIG, Department of Health and Human Services (Excerpts)
	1085	12/18/06		X	Letter from various members of Congress (Rosa DeLauro, et al.) to Donna Shalala, Secretary, Department of Health and Human Services
	1086	11/28/06		X	Letter from various members of Congress (Saxby Chambliss et al.) to Donna Shalala, Secretary, Department of Health and Human Services
	1087	12/6/06		X	Letter from Senators Christopher Bond and John Ashcroft to Donna Shalala, Secretary, Department of Health and Human Services
	1088	12/18/06		X	Congressional Debate re: Cancer Care Preservation Act, Congressional Record, Senate S8022 (J. Ashcroft speaking)
	1089	12/6/06		X	Letter from Spencer Abraham to Donna Shalala, Secretary, Department of Health and Human Services
	1090	12/18/06		X	Letter from Nancy-Ann Min DeParle, Administrator, to Members of Congress
	1091	12/8/06		X	Program Memorandum re: An Additional Source of Average Wholesale Price Data in Pricing Drugs and Biologicals Covered by the Medicare Program, Department of Health and Human Services, Health Care Financing Administration

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	1092	12/6/06		X	Letter from Donna Shalala, Secretary, Department of Health and Human Services to Spencer Abraham
	1093	12/18/06		X	Program Memorandum: Source of Average Wholesale Price Data in Pricing Drugs and Biologicals Covered by the Medicare Program, Department of Health and Human Services, Health Care Financing Administration
	1094	12/18/06		X	Medicare Reimbursement of Prescription Drugs, OIG, Department of Health and Human Services
	1096	12/18/06		X	Program Memorandum Intermediaries/Carriers re: Implementation of Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (BIPA) Requirements for Payment Allowance of Drugs and Biologicals Covered by Medicare, Department of Health and Human Services, Health Care Financing Administration
	1098	11/16/06		X	Payments for Covered Outpatient Drugs Exceed Providers' Cost, GAO Report to Congressional Committees
	1099	1/19/07		X	Medicare Drug Reimbursements: A Broken System for Patients and Taxpayers, Joint Hearing before the Subcommittee on Health and the Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce, House of Representatives, 107 <sup>th</sup> Cong. 89, First Session, Serial No. 107-65 (admitted per Plaintiffs' 1/19/07 Request)
	1103	12/12/06		X	Excessive Medicare Reimbursement for Albuterol, OIG, Department of Health and Human Services
	1104	12/18/06		X	Medicaid Pharmacy – Actual Acquisition Cost of Generic Prescription Drug Products, OIG,

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					Department of Health and Human Services
	1105	11/28/06		X	Challenges Remain in Setting Payments for Medical Equipment and Supplies and Covered Drugs, GAO publication of the statement of Leslie G. Aronovitz, Director, Health Care Program Administration and Integrity Issues before the Subcommittee on Labor, Health and Human Services, Education and Related Agencies, Committee on Appropriations, U.S. Senate
	1110	12/18/06		X	Report to the Congress, Variation and Innovation in Medicare Payment Advisory Commission ("Medpac")
	1112	12/18/06		X	Physician-Administered Drugs: Distribution and Payment Issues in the Private Sector, Medpac study conducted by NORC at the University of Chicago and Georgetown University
	1115	12/12/06		X	Update: Excessive Medicare Reimbursement for Albuterol, OIG, Department of Health and Human Services
	1119	12/18/06		X	Study of the Effects of Medicare Payment Changes on Oncology Services, Medpac
	1126	12/18/06		X	The Lewin Group - Impact of AWP Reductions on the Provision of Home Drug Therapies to Medicare and Medicaid Patients
	1137	12/18/06		X	Confidential (Exhibit A) – First DataBank Drug Price Policy (Draft)
	1140	12/18/06		X	Survey of Health Plans Concerning Payment Fees and Payment Methodology: A Study conducted by Dyckman & Assocs. for MedPAC

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	1148	11/20/06		X	Specialty Pharmaceutical Initiative Presentation
	1149	11/7/06		X	BCBSMA – New Medical Management Model (NM3) – Steering Committee Meeting
	1166	11/28/06		X	Medicare B Bulletin, section regarding Drug Allowances
	1169	12/18/06		X	Blue Cross Blue Shield Association Prescription Drug Benefit Survey April 1992
	1171	12/18/06		X	Anthem Ohio E-mail
	1172	12/18/06		X	Anthem Virginia Provider Correspondence
	1174	12/18/06		X	Anthem Maine Hematology and Oncology Impact
	1175	12/18/06		X	Anthem Maine Hematology and Oncology Impact
	1202	12/18/06		X	Balanced Budget Act of 1997, § 4616, Report of the Committee on the Budget, House of Representatives to Accompany H.R. 2015
	1220	12/6/06		X	Reimbursement Amount for Level V Initial Office Visit
	1221	12/6/06		X	Reimbursement Amount for Level V Established Patient Visit
	1222	12/6/06		X	Reimbursement Amount for Blood Count Lab Work
	1223	12/6/06		X	Reimbursement for Drug Administration: 2002-2003
	1224	12/6/06		X	Reimbursement for Drug Administration: 2004-2005
	1225	12/6/06		X	Physician Oncology: 2002-2005 Income Statements-By Source of Payment
	1226	12/6/06		X	Physician Oncology: 2002-2005 Income Statements-By Source of Revenue
	1231	11/8/06		X	Direct Pay Medex Overview
	1232	12/18/06		X	Medex Overview Executive Summary
	1266	12/18/06		X	Responses to Specialty Pharmacy Provider Questions from the PRC Monthly Conference Call
	1275	12/18/06		X	Report of Independent Expert Professor Ernst R. Berndt to Judge Patti B. Saris
	1280	12/18/06		X	40 Fed. Reg. 34515, “Social and Rehabilitation



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					Service (Assistance Programs), Department of Health, Education, and Welfare Part 250-Administration of Medical Assistance Programs”
	1303	1/19/07		X	69 Fed. Reg. 66406, Table 41 Impact of Proposed Rule and Physician Fee Schedule Update on Medicare Payment for Selected Drug Administration Services Excluding the Effect of the 32 and 3% Transition Adjustments and Demonstration Project. (Admitted per Plaintiffs’ 1/19/07 Request)
	1353	12/18/06		X	CMS, “Medicare Physician Fee Schedule for 2003,” February 27, 2003, Fact Sheet
	1355	12/18/06		X	ASCO, “New Survey Shows Medicare Bills Would Force 53% of Cancer Physicians to Limit Care for Seniors,” July 15, 2003
	1367	12/18/06		X	2006 Annual Report of the Boards of Trustees of the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund
	1373	11/29/06		X	Table 1: Dollar volumes of subject drugs purchased directly by Massachusetts TPPs, by manufacturer
	1374	11/29/06		X	Figure 1: Vepesid prices to BCBS-MA
	1375	11/29/06		X	Figure 2: Procrit prices to BCBS-MA
	1376	11/29/06		X	Figure 3: Intron prices to BCBS-MA
	1378	11/29/06		X	Figure 5: Vepesid prices to CIGNA
	1379	11/29/06		X	Figure 6: Procrit prices to CIGNA
	1380	11/29/06		X	Figure 7: Intron prices to CIGNA
	1381	11/29/06		X	Figure 8: Zoladex prices to Fallon
	1382	11/29/06		X	Figure 9: Vepesid prices to Fallon
	1383	11/29/06		X	Figure 10: Procrit prices to Fallon
	1384	11/29/06		X	Figure 11: Intron prices to Fallon
	1385	11/29/06		X	Figure 12: Zoladex prices to Harvard Pilgrim
	1386	11/29/06		X	Figure 13: Vepesid prices to Harvard Pilgrim
	1387	11/29/06		X	Figure 14: Procrit prices to Harvard Pilgrim
	1388	11/29/06		X	Figure 15: Intron prices to Harvard Pilgrim
	1389	11/29/06		X	Table 2: Markups of AWP over BCBS-MA’s purchase prices for Bristol-Myers Squibb drugs
	1390	11/29/06		X	Table 3: Markups of AWP over BCBS-MA’s purchase prices for Johnson & Johnson drugs
	1391	11/29/06		X	Table 4: Markups of AWP over BCBS-MA’s

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					purchase prices for Schering-Plough drugs
	1392	11/29/06		X	Table 5: Markups of AWP over CIGNA's purchase prices for AstraZeneca drugs
	1393	11/29/06		X	Table 6: Markups of AWP over CIGNA's purchase prices for Bristol-Myers Squibb drugs
	1394	11/29/06		X	Table 7: Markups of AWP over CIGNA's purchase prices for Johnson & Johnson drugs
	1395	11/29/06		X	Table 8: Markups of AWP over CIGNA's purchase prices for Schering-Plough drugs
	1396	11/29/06		X	Table 9: Markups of AWP over Fallon's purchase prices for AstraZeneca drugs
	1397	11/29/06		X	Table 10: Markups of AWP over Fallon's purchase prices for Bristol-Myers Squibb drugs
	1398	11/29/06		X	Table 11: Markups of AWP over Fallon's purchase prices for Johnson & Johnson drugs
	1399	11/29/06		X	Table 12: Markups of AWP over Fallon's purchase prices for Schering-Plough drugs
	1400	11/29/06		X	Table 13: Markups of AWP over Harvard Pilgrim's purchase prices for AstraZeneca drugs
	1401	11/29/06		X	Table 14: Markups of AWP over Harvard Pilgrim's purchase prices for Bristol-Myers Squibb drugs
	1402	11/29/06		X	Table 15: Markups of AWP over Harvard Pilgrim's purchase prices for Johnson & Johnson drugs
	1403	11/29/06		X	Table 16: Markups of AWP over Harvard Pilgrim's purchase prices for Schering-Plough drugs
	1404	11/29/06		X	Table 17: Physician compensation for selected specialties
	1405	11/29/06		X	Figure 16: Health Net median reimbursements for drug J9000 (doxorubicin) and most often associated service CPT90780 (IV infusion therapy, 1 hour)
	1415	11/29/06		X	Table 27: Massachusetts health plans by number of enrollees
	1496	11/29/06		X	Figure 83: Yearly percentage growth in Medicare Part B expenditures per beneficiary
	1497	11/8/06		X	PFSW Steering Committee Meeting – BC65 Drug

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					Change Impact
	1502	11/7/06		X	Mass Coalition Meeting Minutes
	1505	12/18/06		X	HMO Seminar Preview Presented By Lorene Harling
	1522	12/18/06		X	Price Alert
	1527	12/18/06		X	Program Memorandum Intermediaries/Carriers re: Implementation of the New Payment Limit for Drugs and Biologicals, Department of Health and Human Services, Health Care Financing Administration
	1564	12/18/07		X	Bryant, Jim, "Taking Charge of Specialty Drug Costs," <i>Managed Healthcare Industry Forum on Pharmacy Benefits</i> , June 3, 2004
	1575	12/18/06		X	<i>Cancer Economics, A Supplement to the Cancer Letter</i> , "Administration Proposes Cut Of Markup On Outpatient Drugs," and "Insurers are Eliminating Markup On Cancer Drugs, Official Says," March 1997
	1630	11/28/06		X	Gellene, Denise, "Suit Accuses 7 Drug Makers of Price-Fixing," <i>Los Angeles Times</i> , Part D, October 15, 1993
	1646	12/18/06		X	Ho, Sam, <i>Specialty Pharmacy Third Party Payer Perspective</i> , PacifiCare, October 25, 2005
	1653	11/28/06		X	<i>Journal of Research in Pharmaceutical Economics, Volume 10 Numbers 2/3</i> , "Task Force on Prescription Drugs-Final Report," February 7, 1969, reproduced in "Prescription Drugs under Medicare: The Legacy of the Task Force on Prescription Drugs, Part 1"
	1705	12/18/06		X	Office of Technology Assessment, <i>Recombinant Erythropoietin: Payment Options for Medicare</i> , OTA-H-451, May 1990
	1716	12/18/06		X	<i>PR Newswire</i> , "Humana, Community Health Plan Sign Definitive Agreement for Humana's Acquisition of Ohio HMO," November 8, 1990
	1717	12/18/06		X	<i>PR Newswire</i> , "United Healthcare Signs Definitive Agreement to Purchase Ramsay-HMO," February 15, 1994

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	1726	11/28/06		X	Rich, Spencer, "Battling the High Prices of Medicare Pays for Drugs," <i>The Washington Post</i> , January 2, 1997, Section A
	1768	12/18/06		X	Balanced Budget Act of 1997, H.R. Rep. No. 217 105th Congress, 1st Session
	1800	12/18/06		X	Letter from Nancy-Ann DeParle (HCFA to June Gibbs Brown (OIG), OIG Draft Reports: Medicare Reimbursement of End Stage Renal Disease Drugs and Medicare Reimbursement for Albuterol, June 13, 2000
	1805	12/18/06		X	Medicare and Medicaid Beneficiary Protection Act of 1997, H.R. 2632, 1905th Cong. § 206, 1997
	1825	12/18/06		X	Regional Carrier Letter No. 94-19, "Determination of Cost of Drugs – Action," from M.J. Christenberry, Associate Regional Administrator, Division of Medicare, HCFA Regional Office VI, June 8, 1994
	1832	12/18/06		X	U.S. Department of Health, Education, and Welfare, Task Force on Prescription Drugs, Background Papers, The Drug Makers and the Drug Distributors, December 1968
	1852	11/20/06		X tab A	42 CFR § 405.517, 2001
	1880	12/18/06		X	Letter from Nancy-Ann Min DeParle, Administrator, Health Care Financing Administration, to Medicare Fiscal Intermediaries and Carriers, September 14, 2000
	1881	11/21/06		X	Letter from Zachary T. Bentley & T. Mark Jones, Ven-A-Care of the Florida Keys, Inc. to Bruce Vladeck, then-Administrator, HCFA, October 2, 1996 (Letter only; admitted for inquiry notice to HCFA, not for the truth)
	1905	12/18/06		X	GAO Report to the Chairman, Committee on Finance, U.S. Senate, Medicare: Reimbursement Policies Can Influence the Setting and Cost of Chemotherapy, GAO/PEMD-92-28 (July 1992)
	1923	12/8/06		X	Danzon, Patricia, Gail Wilensky and Kathleen Means, "Alternative Strategies for Medicare Payment of Outpatient Prescription Drugs—Part B and Beyond," <i>American Journal of Managed</i>

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					<i>Care</i> , Vol. 2, No. 3, March 2005
	1929	12/18/06		X	Halcombe, Dawn G., "The Evolution of Community Oncology Care and its Threatened Extinction Due to Federal Private Payment Reform," <i>American College of Medical Practice Executives Paper</i> (Medical Group Management Association Article Archive), September 2004
	1944	12/18/06		X	Congressional Budget Office, How the Medicaid Rebate on Prescription Drugs Affects Pricing the Pharmaceutical Industry, January 1996
	1953	12/18/06		X	Letter from Glenn M. Hackbarth, Chairman of Medicare Payment Advisory Commission, to Thomas Scully, Administrator of CMS, October 4, 2002
	1960	12/18/06		X	Johnson, Kjel, "Medicare Reimbursement Will Affect Specialty Payouts; MMA Pays Less for Drugs, but More for Administering Them," <i>Managed Healthcare Executive</i> , July 1, 2004
	1965	11/28/06		X	Management Advisory Report from Richard Kusserow, Inspector General, to Louis B. Hays, Acting Administrator, Health Care Financing Administration, A-06-40216, re: Use of Average Wholesale Prices in Reimbursing Pharmacies participating in Medicaid and the Medicare Prescription Drug Program, October 3, 1989
	1970	11/8/06		X	BCBSMA Medigap Rate Filings 2003-2007 (excerpt)
	1979	12/18/06		X	Tri-regional Carrier Medical Directors meeting, Nov. 9-10, 1994, minutes and action items
	1980	12/18/06		X	HCFA Technology Advisory Committee Meeting Minutes
	1982	11/28/06		X	Dept. of Health, Education and Welfare, Reimbursement of Drug Cost – Medical Assistance Program – Notice of Proposed Rule Making (39 Fed. Reg. 41480)
	1985	11/28/06		X	<i>In the Matter of the Disapproval of the Louisiana Plan Amendment</i> , HCFA Admin. Decision, Docket No. 88-11 (1989), published in the Medicare and Medicaid Guide

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	2001	12/18/06		X	Manufacturer data showing sales to Massachusetts third party payors and their HMO subsidiaries (Plaintiffs object to description, not documents)
	2054	12/4/06		X	Email from Julie Tracy to Donald Blum and Michael Diggin regarding Harvard Pilgrim Health Care Zoladex Contract
	2055	12/4/06		X	Agreement between Harvard Pilgrim Health Care and Zeneca Pharmaceuticals
	2056	12/4/06		X	Amendment to Agreement between Harvard Pilgrim Health Care and Zeneca Pharmaceuticals, with Document Transmittal cover sheet
	2057	12/18/06		X	Amendment to Agreement between Harvard Pilgrim Health Care and Zeneca Pharmaceuticals, with Document Transmittal cover sheet
	2058	12/4/06		X	Correspondence between Zeneca Pharmaceuticals and Tufts Associated Health Plan regarding Zoladex
	2059	12/18/06		X	Correspondence between Zeneca Pharmaceuticals and Tufts Associated Health Plan regarding Zoladex bill to/ ship to program
	2060	12/4/06		X	Correspondence between Zeneca Pharmaceuticals and Tufts Associated Health Plan regarding best pricing for the LHRH market
	2061	12/18/06		X	Email from Maureen Gillick to David Ilconich, Linda Palczuk, Donald Wildrick, Jodi Mudgett, Richard Deyoung, and Mike Boas regarding Tufts-Zoladex Bill to Ship to - update
	2062	12/4/06		X as a template	Correspondence between Maureen Gillick and Tufts Health Plan regarding Zoladex MAP Contract - Revised February 19, 1997
	2066	12/4/06		X	Compact disc of Materials Produced in Connection with 3/22/06 Declaration of Professor John P. Gould (including IMS data)
	2074A	11/27/06		X	Department of Health and Human Services, Office of Inspector General, "Comparing Drug Reimbursement: Medicare and Department of Veterans Affairs"

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	2075	12/18/06		X	Department of Health and Human Services, Office of Inspector General, "Medicare Reimbursement for Lupron"
	2078	12/4/06		X	Compact disc containing Zoladex Transactional Data
	2079	12/4/06		X	Compact disc containing Average Manufacturer's Price Data for Zoladex (1991-2003)
	2084	12/18/06		X	Emails among Steve Pitts, Jeffrey Alverson and Mary Ann Romano regarding Harvard Pilgrim Staff Discount Contract for Zoladex
	2087	12/18/06		X	Invoices for Zoladex shipped to Dr. Anthony Prizzi (contained on compact disc)
	2090	12/18/06		X	Zoladex Cost Proposal to HMO Blue/Medical West Associates
	2091	12/4/06		X	Amendment to Agreement between Blue Cross Blue Shield of Massachusetts/Medical West Community Health Plan, Inc. and Zeneca Pharmaceuticals
	2092	12/4/06		X	Amendment to Agreement between Blue Cross Blue Shield of Massachusetts/Medical West Community Health Plan, Inc. and Zeneca Pharmaceuticals
	2094	12/4/06		X	Amendment to Agreement between Blue Cross Blue Shield of Massachusetts/Medical West Community Health Plan, Inc. and Zeneca Pharmaceuticals
	2099	12/18/06		X	Zeneca Pharmaceuticals Agreement between UroCare and Zeneca Pharmaceuticals, with cover memorandum to Hall of Records from Mary Ann Romano
	2100	12/18/06		X	Zeneca Pharmaceuticals Agreement between LHRH Inc. and Zeneca Pharmaceuticals, with cover sheet of label reading "Signed Agreement (Urology) LHRH Inc. Manhasset, NY"
	2103	11/16/06		X	Correspondence from Bob Black to new employees attaching ICI Pharmaceuticals Policies for Salaried Employees
	2105	12/18/06		X	Internal memorandum from Alvin Koretsky to Distribution List regarding 11 July US Healthcare



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	2107	12/17/06		X	Email from Steve Crane to assorted Zeneca employees regarding Zoladex IPA Rebate Chart - Clarification
	2110	12/4/06		X	Email from Winnie O'Neill to assorted Zeneca employees attaching documents related to Zoladex MAP Program Rollout
	2111	12/4/06		X	Zeneca Pharmaceuticals Managed Acquisition Program Agreement/Amendment between QualMed Plans for Health and Zeneca Pharmaceuticals
	2115	12/4/06		X	Email from Steve Crane to assorted Zeneca employees regarding Zoladex Price Savings Spreadsheet
	2117	12/18/06		X	Call Notes
	2119	12/18/06		X	Internal Memorandum from Business Planning regarding Key Market Issues for Product Forecasts - 1992 Strategic Plan
	2122	11/28/06		X	1992 Zoladex Promotional Plan
	2126	12/18/06		X	Zoladex MAP Program Presentation
X	2127	11/14/06		X	Internal Memorandum from Keith Patterson to Chris Iacono with copies to Steve Strand, Sarah Harrison, Tom Chen, Paul Feirstein, and Steve Buckanavage regarding Zoladex Pricing Strategy - Revised View
	2128	11/14/06		X	Memorandum from Market Strategy and Contract Operations/Zoladex Marketing Team to Chris Iacono with copies to Richard Greenhill, Sarah Harrison, Steve Strand, Bill Simpson, and Keith Patterson attaching a Zoladex Pricing and Volume Discount Strategy
	2131	11/16/06		X	Zoladex Advertisement
	2132	12/18/06		X	Letter from Paula E. Jordan to Beth Rader listing pricing information for Zoladex 3.6 mg and 10.8 mg depot information
	2133	12/18/06		X	Letter from Paula E. Jordan to Enid Olayan listing pricing information for Zoladex 3.6 mg and 10.8 mg depot information
	2147	12/18/06		X	Pricing Document
	2151	11/16/06		X	Zoladex Advertisement



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	2156	12/18/06		X	Executive Summary regarding Zoladex 2003 FFAR Forecast; Status
	2157	12/18/06		X Limited	Memorandum from Grant E. Steffen to all the Physicians who wrote in about Lupron regarding AWP vs AC
	2158	11/21/06		X	Letter from Darlene Debus to Grant Steffen with copies to Jay Swope regarding 07/11/96 letter to all the physicians who wrote in about Lupron
	2170	12/18/06		X	Document entitled Reimbursement for LHRH antagonists
	2176	11/21/06		X tab 17	Correspondence from Grant Steffen to Health Care Financing Administration regarding Acquisition Costs vs Average Wholesale Price
	2199	12/18/06		X	Zeneca Pharmaceuticals Agreement Urology Practice: Connecticut-Rhode Island Purchasing Specialists
	2203	12/18/06		X	Zeneca Pharmaceuticals Agreement with R/D Urology Association
	2440	12/18/06		X	BMS First Databank AWP's
	2522	12/8/06		X	Supplemental Exhibit C: BMS and OTN Sales Data: Revenues, Prices, and Price Dispersion
	2523	12/7/06 12/8/06	X	X	Exhibit D: Summary of BMS/OTN Revenue by Product (\$): Excluding Sales to Federal Entities
	2524	12/8/06		X	Exhibit E: BMS/OTN Price Dispersion: Excluding Sales to Federal Entities
	2536	12/6/06		X	Document entitled, BMS Position on Pricing of Medicines

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	2545	12/18/06		X	Document entitled "Average Wholesale Price (AWP)"
	2552	11/13/06		X	Correspondence from D. Kaszuba to Publications
	2553	11/13/06		X	Internal Medispan memorandum re: Bristol Oncology Survey
	2554	11/13/06		X	Email from D. Kaszuba to T. Wert and G. Kegler regarding AWP's published by First Databank, Redbook and Medispan
	2555	12/6/06		X	Letter from John F. Akscin to Gail Wilensky, Administrator, Health Care Financing Administration
	2556	12/6/06		X	OTN Newsletter – "The Network News"
	2557	12/6/06		X	Specialty Wholesaler Marketing Services Agreement
	2558	12/6/06		X	Sales Agency and Consignment Agreement
	2566	12/18/06		X	BMS Memorandum from Miami Team to Suzanne Greenwood regarding Drug Replacement Update and Memorandum from V. Khanna and B. Garofalo to Florida Drug Replacement Team
	2568	12/6/06		X	Presentation entitled, "The Business of Office Based Oncology"
	2569	12/6/06		X	Correspondence from J. Akscin related to Oaklane Cancer & Hematology P.C.
	2570	12/6/06		X	E-mail from Amy Chan to J. Akscin
	2571	12/6/06		X	Correspondence from J. Akscin related to J. Kiraly, III M.D.
	2572	12/6/06		X	Correspondence from J. Akscin related to Oaklane Cancer & Hematology P.C.
	2573	12/6/06		X	Notes related to Integrated Health Care Providers, Inc.
	2575	12/6/06		X	Presentation entitled, "Reimbursement in Office Based Oncology"
	2581	12/6/06		X	OTN Sourcebook 2001
	2585	12/6/06		X	Presentation entitled, "The Business of Office Based Oncology"
	2587	12/18/06		X	Presentation entitled, Understanding AWP's
	2588	12/18/06		X	E-mail from Greg Fersko to L. Leas, D. Ihling, J. Martino attaching AWP Presentation
	2589	12/18/06		X	E-mail from Leighanne Leas to Ronald Miller &

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					Thomas McKenna regarding Pricing Source Overview with attached slides
	2590	12/6/06		X	Presentation entitled, "Regulatory & Reimbursement Update"
	2591	12/18/06		X	Presentation entitled, "Pricing & Institutional Operations Overview"
	2593	12/8/06		X	Oncology Therapeutics Network Customer Invoice (Orange Coast Oncology Hematology Associates)
	2594	12/6/06		X	E-mail from Sandy McMahon re: Program Implementation Committee, attaching notes
	2595	11/13/06		X	E-mail from D. Kaszuba to Irene Paulin regarding Pricing Operations' Responsibilities
	2599	12/8/06		X	Customer Call Notes
	2600	12/6/06		X	Addendum to Oncology Distributor Agreement
	2604	12/18/06		X	Plaintiffs' Objections and Responses to BMS'S Contention Interrogatories to Plaintiffs
	2605	12/8/06		X	Document entitled, "Roles and Responsibilities"
	2606	12/8/06		X	RBDM Education/Training Checklist
	2607	12/6/06		X	E-mail from Akscin to Sales regarding John A's PPT from National Sales Mtg, attaching presentation entitled, "Law & Order: OBO "5.5 Ways to Add Value to Your Customer Interaction"
	2609	12/6/06		X	Presentation entitled, "This is OTN"
	2611	11/13/06		X	Document re: Price Increase/ Decrease Notification Process
	2614	12/8/06		X	OTN presentation entitled, "Price Segments"
	2616	12/18/06		X	AWP (Ain't What's Paid)
	2618	12/8/06		X	Customer Call Notes
	2619	12/8/06		X	Customer Call Notes
	2620	12/8/06		X	Customer Call Notes
	2621	12/8/06		X	Customer Call Notes
	2622	12/8/06		X	Customer Call Notes
	2623	12/18/06		X	"Screen Shots" from Price Master File
	2624	12/18/06		X	"Screen Shots" from Primary Vendor Database
	2625	12/18/06		X	Data Fields associated with SHARP Database
	2626	12/18/06		X	BMS List Prices for MDL Subject Drugs (By NDC)
	2627	11/13/06		X	E-mail from Mimi Leake to Kay Morgan and Carol Flanagan re: Price Increase Notification

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	2629	11/14/06		X	E-mail from Michelle Hand, attaching price check for Kirklin Clinic and Florida Infusion flyer
	2631	12/8/06		X	Comparison of Hartman's ASPs and Spreads with Ven-A-Care's Best Prices and Spreads for BMS Subject Drugs for 1995
	2632	12/18/06		X	1996, 1998 & 1999 Drug Allowance (excerpt of Defendant's Exhibit 1020)
	2633	12/8/06		X	Taxol Prices with Revenue Shares (NDC 00015345620; NDC 00015347527; NDC 00015347530) (Affidavit of Gregory K. Bell 11/17/06; Exhibit F-1)
	2634	12/8/06		X	Vepesid Prices with Revenue Shares (NDC 00015306120) (Affidavit of Gregory K. Bell 11/17/06; Exhibit F-2)
	2635	12/8/06		X	Cytosan Prices with Revenue Shares (NDC 00015054841) (Affidavit of Gregory K. Bell 11/17/06; Exhibit F-3)
	2636	12/8/06		X	Rubex Prices with Revenue Shares (NDC 00015335222) (Affidavit of Gregory K. Bell 11/17/06; Exhibit F-4)
	2637	12/8/06		X	Summary of Generic Entry (Affidavit of Gregory K. Bell 11/17/06; Exhibit B)
	2638	12/8/06		X	Blenoxane 00015301020 (Affidavit of Gregory K. Bell 11/17/06; Exhibit G-1)
	2639	12/8/06		X	Paraplatin 00015321430 (Affidavit of Gregory K. Bell 11/17/06; Exhibit G-2)
	2640	11/20/06		X tab B	CMS Glossary
	2641	11/21/06		X	Article entitled "Hooked on Drugs – Why do insurers pay such outrageous prices for

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					pharmaceuticals?" from <i>Barron's</i> , dated June 10, 1996
	2642	12/7/06 12/18/06	X	X	Paraplatin Annual Spreads at J-code Level: Hartman Methodology
	2643	12/7/06 12/18/06	X	X	Taxol Annual Spreads at J-code Level: Hartman Methodology
	2644	12/18/06		X	Rubex AWP's & MA Medicare Allowance (NDC 00015335222 = J9000)
	2645	12/18/06		X	Cytosan AWP's & MA Medicare Allowance (NDC 00015054841 J9096)
	2647	12/6/06		X	Fax dated 7/2/97 from M. Carrozza to F. Pasqualone, B. Garafolo, and R. Miller regarding Senate Finance Committee table on Medicare payments for prescription drugs
	2648	12/6/06		X	Memorandum dated 12/8/97 from M. Carrozza regarding Department of Health Memorandum on "Excessive Medicare Payments for Prescription Drugs"
	2649	12/6/06		X	Purchase Agreement b/w BMS and Oncology Supply
	2650	12/8/06		X	Stipulation between Plaintiff and BMS acknowledging that BMS did not discuss markup prices of AWP with publications
	2652	12/8/06		X	BMS Subject Drugs Chart
	2653	12/18/06		X	Letter dated 10/18/05 to the Hon. Charles Grassley from the Community Oncology Alliance regarding CMS demonstration project on cancer and chemotherapy related issues
	2655	12/11/06		X	Sheet Metal Workers Health Insurance Claim form
	2656	12/11/06		X	Pipefitters Claim Data
	2657	12/18/06		X	Letter dated 9/30/05 to M. McClellan from NPAF regarding Proposed Rule CMS-1502-P
	2658	12/11/06		X	Claims Data
	2758	12/18/06		X	Hiriak Decl. Ex. 3: Promotion flyer "Order PROCrit and Continue to Receive an 8% Rebate"
	2762	11/28/06		X	Excerpts from testimony of Zachary T. Bentley, Ven-A-Care; "Medicare Drug Reimbursements: A Broken System for Patients and Taxpayers," Joint Hearing Before the Subcommittee on Health et al., September 21, 2001, Serial No. 107-65
	2765	12/18/06		X	4/20/2004 Rebate Agreement between OBI and

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					Dr. Mona Kaddis, Milford, MAeement w/ Internal Medicine Associates
	2767	12/8/06		X	Memorandum to Nephrology Field Sales concerning "Competitive Position"
	2774	11/16/06		X	Email, with attachments, dated from Mark Reese to Bill Pearson (et al.) re "Medicare/Medicaid Updates and Strategies"
	2775	11/16/06		X	"Option Paper on AWP Reform"
	2776	11/16/06		X	"AWP Reform – Talking Points"
	2777	11/16/06		X	"AWP Reform – Johnson & Johnson Principles"
	2782	12/18/06		X	Plaintiffs' Supplemental Response to J&J Defendants' Requests for Admission and Interrogatories Concerning Remicade.
	2784A	12/11/06		X	Dukes Decl. Attachment 1: Curriculum Vitae of Jayson S. Dukes
	2804	11/14/06		X	Amendment to Health Net Care Systems Rebate Agreement
	2822	11/14/06		X	Memo from Carpenter re Average Acquisition Price vs. Average Acquisition Price with attached 3/13/98 memo re same
X	2835	11/14/06		X	RBS Scenario Role Play Talk Track
	2873	12/11/06		X	Annual Spread Calculations based on Hartman's Direct Testimony Dated November 1, 2006 and FTI's Weighted Average AWP's
	2874	12/18/06		X	Excerpts from Federal Register, Volume 69, dated November 15, 2004
	2875	12/18/06		X	CMS Transmittal 129, dated December 10, 2004
	2900	12/13/06		X	Schering Corporation correspondence to Fallon Clinic enclosing Purchase Agreement
	2901	12/13/06		X	Amendment to Purchase Agreement dated 3/4/02 between Fallon, Inc. and Schering Corporation
	2903	12/13/06		X	Purchase Agreement between Harvard Pilgrim Health Care, Inc.-Harvard Staff and Schering Corporation
	2904	12/12/06		X	Warrick Pharmaceuticals correspondence to Blue Cross & Blue Shield of Mass. with Albuterol pricing information
	2905	12/12/06		X	Warrick Pharmaceuticals correspondence to HMO Blue with albuterol pricing information

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	2906	12/12/06		X	Warrick Pharmaceuticals correspondence to HMO Blue with albuterol and clotrimazole pricing information
	2918	12/13/06		X	Comparison of Estimated Monthly Medicare Reimbursements for Albuterol Sulfate 0.5% Solution: 2004 v. 2005, 30-Day Supply of 225mg
	2919	12/13/06		X	Last Recorded Medispan AWP of Albuterol Sulfate 0.083%
	2920	12/13/06		X	Last Recorded Medispan AWP of Albuterol Sulfate 0.5%
	2929	12/13/06		X	Percent Change in Schering Intron-A Unit AWP Between Consecutive Years
	2930	12/13/06		X	Unit AWP for Intron-A Adjusted for Concentration
	2933	12/13/06		X	Distribution of Sales by Percentage of WAC Paid by Schering Customers, Proventil
	2934	12/13/06		X	Distribution of Sales by Percentage of WAC Paid by Schering Customers, Intron-A
	2935	1/11/07		X	Distribution of Sales by Percentage of WAC Paid by Schering Customers – Temodar – 1991-1994
	2937	12/13/06		X	Chargeback Agreement between Schering Corporation and Blue Cross Blue Shield of Massachusetts
	2939	1/11/07		X	Charts: NDC/Years Where Dr. Hartman Finds Liability for Branded Products in Class 3 – Dr. Hartman’s AWP, “ASPs” for Sales to Full Line Wholesalers and Dr. Hartman’s AWP, and Instances where “Spreads” Exceed 30 Percent
	2947	12/13/06		X	Graph: Comparison of Estimated Monthly Medicare Reimbursements for Albuterol Sulfate 0.5% Solution: 2004 v. 2005
	2949	12/13/06		X	Chart: Warrick’s Albuterol Sulfate 0.083% Launched at a Relatively Low AWP
	2951	12/13/06		X	Graph: Warrick Maintained a Low, Stable AWP and High Market Share for Albuterol Sulfate 0.083% Products
	2952	12/13/06		X	Graph: The Federal Government Made Different Choices Regarding What to Pay for 0.083% Albuterol Sulfate
	2953	12/13/06		X	Graph: AWP for Intron “PADs” are the Same as AWP for Intron “SADs” Adjusted for



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					Concentration
	2955	1/11/07		X	Graph: Substantial Sales of Schering's Temodar Were Priced Within 5% of WAC
	2957	12/13/06		X	Graph: Substantial Sales of Schering's Proventil Were Priced Within 5% of WAC
	2959	12/13/06		X	Graph: Substantial Sales of Schering's Intron-A Were Priced Within 5% of WAC
	2960	1/11/07		X	Chart: Dr. Hartman's Liability Findings Largely Vanish Using More Appropriate Wholesaler ASPs
	2961	12/11/06		X	Sheet Metal Workers Health Insurance Claim Form and Explanation of Benefits
	2962	12/12/06		X	Medicare Remittance Notice [Admitted for definition of CO 42 only]
	2964	12/13/06		X	Patient Assistance Program Grant Agreement between AmeriCares and Schering Corporation
	2965	12/13/06		X	Patient Assistance Program Agreement between Healthcare Delivery Systems and Schering Corporation
	2966	12/12/06		X	Summary: SMW Medicare Claims that Have Complete Claims Forms and Show Billed Amount and Matching EOMBs
	2967	12/13/06		X	Comparison of Dr. Hartman's "Spreads" for Proventil Using His "Own" and "Multi" AWP's (1991-2003)
	2968	12/13/06		X	Comparison of Dr. Hartman's Spreads for Intron-A and Temodar with Spreadins Excluding AmeriCares (2001-2004)
	2972	12/18/06		X	4/18/06 Schering-Plough response to OIG Advisory Opinion No 06-03
	2973	12/18/06		X	Bottle of Albuterol Sulfate
	2974	12/20/06		X	May 2002, Respiratory's New Coding Headache, <a href="http://www.hhcdealer.com/article.php?p=4&amp;s=HHC/2002/05">www.hhcdealer.com/article.php?p=4&amp;s=HHC/2002/05</a>
	2975	12/20/06		X	Declaration of Direct Testimony of Eugene M. ("Mick") Kolassa
	2976	12/20/06		X	Sheet Metal Workers Claims for Albuterol (No SMW claims show reimbursement to MA Providers)
	3000	11/7/06		X	3/1/02 Express Scripts Inc. Managed Prescription Agreement
	3001	11/7/06		X	1/1/03 Caremark Inc. Agreement with IUOE



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	3002	11/7/06		X	8/15/05 Administrative Services Account Agreement between Blue Cross Blue Shield Mass. and IUOE Local 4
	3003	11/7/06		X	Anna Choice Medical Billing Records: Statement from St. Mary of Nazareth Hospital [FILED UNDER SEAL]
	3004	11/7/06		X	Anna Choice Medical Billing Records: Patient Profile report from Korathu Thomas [FILED UNDER SEAL]
	3006	11/29/06		X	BCBS-MA drug reimbursements by pay basis, 1995-2005
4019	X	12/18/06	in already	X	7/13/06 Statement of Mark E. Miller, MEDPAC: Medicare Part B Drugs and Oncology
4058	X	12/18/06		X	January, 2006 MEDPAC report: Effects of Medicare changes on Oncology Services
4059	X	12/18/06		X	7/13/06 Statement of Frederick Schnell, President, Community Oncology Alliance before House Ways & Means Committee

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